

## NBB Fit and Proper questionnaire

### New Appointment

### LSI and other institutions

#### Scope:

- *Belgian credit institutions not subject to direct prudential supervision of the European Central Bank (ECB)*
- *Belgian stockbroking firms*
- *Belgian (mixed<sup>1</sup>) financial holding companies not subject to direct prudential supervision of the ECB*
- *Belgian payment institutions and electronic money institutions*
- *Belgian custodians banks and institutions providing support*
- *EEA and non-EEA branches of the above-mentioned institutions*
- *Belgian Central Securities Depositories (CSDs) and Central Counter Parties (CCPs)*

#### Legal references:

- For credit institutions LSI, branches of non-EEA credit institutions, stockbroking firms and (mixed) financial holding companies: Articles 3, 30° and 83°, 11, 19, 20, 21, 27-31, 60, 61, 62, 62/1, 72, 86, 168, 212, 333, 335, 494, 501, 502, 504-507, 524, 525, 535, 544 and 573-576 of the Law of 25 April 2014 on the legal status and supervision of credit institutions and stockbroking firms (hereafter: banking law);
- For payment institutions and electronic money institutions: Articles 10, 20, 21, 34, 37, 59, 144, 167, 175, 176, 179, 181, 186 and 228 of the law dated 11 March 2018 on the legal status and supervision of payment institution and electronic money institutions;
- For custodians banks and institutions providing support to CSD: Articles 9, 10, 10bis, 12, 15, 17, 21 and 36 of the Royal Decree dated 26 September 2005 on the status of settlement institutions and assimilated settlement institutions;

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<sup>1</sup> Mixed financial holding companies considered as "banking led".

- For CSDs: Article 26 and 27 of the EU Regulation 909/2014 on CSDs; and
- For CCPs: Articles 26 and 27 of the EU Regulation 648/2012 on OTC derivatives, central counterparties and trade repositories.

## Fit and proper questionnaire

The information provided in this questionnaire will enable the National Bank of Belgium (hereinafter "the NBB") to carry out a prudential assessment on the suitability of the appointee.

The following documents should be consulted before completing the application:

- the NBB circular 2018\_25 which has introduced the NBB handbook on assessment of fitness and propriety;
- the NBB circular 2021\_27 which has transposed the guidelines EBA/GL/2021/06 on the assessment of the suitability of members of the management body and key function holders.

The appointee and the supervised entity are jointly responsible for providing the NBB with complete and accurate information regarding the proposed appointment. Providing inaccurate or incomplete information causes delays in the assessment and may make it impossible to take a positive decision. In addition, both the appointee and the supervised entity have a responsibility to disclose to the NBB all matters that may be relevant to the assessment. Any finding that incomplete or inaccurate information was intentionally communicated will result in a negative suitability assessment of the appointee. Consequently, if there is any doubt as to the relevance or importance of a piece of information, the information must be sent, or contact must be made with the NBB through the usual channels. However please do not submit or disclose any personal data other than those required in the context of this questionnaire, especially any data related to the "special categories of personal data" (pursuant to Article 9 of Regulation (EU) 2016/679). Such data are not needed for a Fit and proper assessment<sup>2</sup>.

Please also note that pursuant to Article 351 of the banking law, all investigations and criminal proceedings resulting from infringement of the banking law or any law referred to in Article 20 of the banking law must be notified to the NBB by the judicial authority.

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<sup>2</sup> For example: racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, or data concerning health or a natural person's sex life or sexual orientation.

## Declaration by the appointee

This declaration concerns an application or notification regarding the appointment of \*text field for family name and first name\* for the function \*text field for function\* in accordance with Belgian law. It will be reviewed by the NBB.

The undersigned:

- confirms that the information provided in this questionnaire and in the annexes attached hereto is accurate and complete to the best of his/her knowledge;
- confirms that s/he will notify [the name of the supervised entity] immediately if there is a material change<sup>3</sup> in the information provided;
- authorises the NBB to make such enquiries and seek such further information as is deemed appropriate in accordance with European and national law in order to identify and verify information considered relevant to the fit and proper assessment;
- confirms that s/he is aware of his/her responsibilities arising from European and national legislation and international standards, including regulations, codes of practice, guidance notes, guidelines and any other rules or directives issued by the NBB and the European Banking Authority (EBA) and the European Securities and Markets Authority (ESMA), which are relevant to the function for which a positive assessment is sought, and also confirms the intention to ensure continued compliance with such responsibilities;
- declares that s/he is aware of the processing and storage of personal data in accordance with the applicable data protection regulations and the NBB privacy statement ;
- declares that s/he is aware that providing false or incomplete information may constitute grounds for refusal or withdrawal of the fit and proper authorisation, without prejudice to the possible imposition of legal and/or administrative sanctions.

Name:

Signature:

Date:

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<sup>3</sup> A material change is any change that may affect the suitability of the appointee.

## Declaration by the supervised entity

This declaration concerns an application or notification regarding the appointment of \*text field for family name and first name\* for the function \*text field for function\* in accordance with Belgian law. It will be reviewed by the NBB.

The undersigned:

- confirms that the information provided in this questionnaire and in the annexes attached hereto is accurate and complete to the best of his/her knowledge;
- confirms that the supervised entity will notify the NBB immediately if there is a material change in the information provided;
- confirms that the supervised entity has requested the full and most up-to-date information necessary to assess the appointee's suitability and that it has given due consideration to that information in determining the appointee to be fit and proper;
- confirms that the description of the function for which a positive assessment is sought accurately reflects the aspects of the activities of the supervised entity for which it is intended that the appointee will be responsible;
- confirms that the supervised entity believes, on the basis of due and diligent enquiry and the information provided by the appointee and by reference to the fit and proper criteria as laid down in national and European law, international standards, including regulations, codes of practice, guidance notes, guidelines and any other rules or directives issued by the NBB and the European Banking Authority (EBA) and the European Securities and Markets Authority (ESMA), that the appointee is a fit and proper person to perform the function as described in this questionnaire;
- confirms that the supervised entity has made the appointee aware of the legal and regulatory responsibilities associated with the function as described in this questionnaire;
- confirms that the documents provided in the annexes are copies of the documents originally provided by the supervised entity or by the appointee that are kept in the archives of the supervised entity;
- confirms that s/he has authority to issue this notification/application and provide the declarations made by the supervised entity, and to sign this questionnaire on its behalf;
- declares that s/he is aware of the processing and storage of personal data in accordance with the applicable data protection regulations and the NBB privacy statement.

Name of the supervised entity:

Name(s) of the signatory (or signatories):

Position(s) in the supervised entity:

Signature(s):

Date:

## Identity of the supervised entity and appointee

**IMPORTANT:** throughout Section 1 “you” means “the appointee”

Information on the supervised entity	
Name of the supervised entity	Free text
Legal Entity Identifier Code	Free text
National company code	Free text
To the extent that the supervised entity is a credit institution or a stockbroking firm, is the supervised entity a significant institution within the meaning of Article 3, 30° or article 486, 2° of the banking law? <sup>4</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
Contact person within the supervised entity (name/email/phone number)	Free text Free text Free text

Information on the appointee	
<b>A</b>	
<b>Name</b>	
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other
Family name	Free text
First name	Free text
Middle name(s)	Free text
Have you had or used other names at any time?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If “Yes” is selected, please provide the following details, specifying all names that you have ever used (e.g. family name at birth, other legal names, assumed names)	
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other
Family name	Free text
First name	Free text
Middle name(s)	Free text
Date of name change	(YYYY-MM)

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**B****Current domicile (residence if different than domicile)**

Address	Free text
Postcode	Free text
City	Free text
Country	Free text
Start date of residence at this address:	(YYYY-MM)
Have you lived in a country other than your current country of residence at any time during the past five years?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes" is selected, please specify which country (or countries) and the period(s) of residence.	Free text

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**C****Other information on the appointee**

Date of birth	(YYYY-MM-DD)
Place of birth	Free text
Country of birth	Free text
Nationality (or nationalities)	Free text
Number of current valid identity document or passport	Free text
Issuing country	Free text
Expiry date	(YYYY-MM-DD)
Contact phone number including country code (private and professional if already available)	Free text
Email address (private and professional if already available)	Free text

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**D**

**Previous supervisory assessments**

Have you ever been subject to any supervisory assessment in the financial sector (including assessments for functions abroad <sup>5</sup> )?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If "Yes" is selected, please provide the following details on any supervisory assessments that the appointee has been subject to in the financial sector in the last five years, carried out by any supervisory authority in the financial sector.

Competent authority involved	Institution involved	Function involved
Free text	Free text	Free text
Start date of the term of office	End date of the term of office	Date of the decision (if not applicable, date of application for an assessment)
(YYYY-MM)	(YYYY-MM)	(YYYY-MM-DD)

If any previous assessment has resulted in a negative decision, withdrawal of authorisation, or a positive assessment but with conditions, recommendations or obligations, please explain the reasons for this. If you have withdrawn your candidacy before the assessment was completed, please also explain the reasons.

Free text

Have you already been approved by the FSMA as a compliance officer or is such a procedure under way?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
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If "Yes" is selected, please provide below information on the authorisation obtained or on the current authorisation procedure.

**2**

**Function for which the questionnaire is submitted**

**Information on the function for which the questionnaire is submitted**

State the name of the function (to be) held
Free text

Select whether the function is executive, non-executive, responsible person for an independent control function or branch manager	<input type="checkbox"/> Executive <input type="checkbox"/> Non-executive <input type="checkbox"/> Responsible person of an independent control function <input type="checkbox"/> Branch manager
Select the specific function(s)	<input type="checkbox"/> executive director <input type="checkbox"/> non-executive director <input type="checkbox"/> chairperson of the statutory governing body <input type="checkbox"/> vice-chairperson / deputy chairperson of the statutory governing body <input type="checkbox"/> chairperson of the audit committee

<sup>5</sup> The term "abroad" means any territory outside Belgium.



	<input type="checkbox"/> member of the audit committee <input type="checkbox"/> chairperson of the remuneration committee <input type="checkbox"/> member of the remuneration committee <input type="checkbox"/> chairperson of the risk committee <input type="checkbox"/> member of the risk committee <input type="checkbox"/> chairperson of the nomination committee <input type="checkbox"/> member of the nomination committee <input type="checkbox"/> chairperson of the management committee <input type="checkbox"/> vice-chairperson / deputy chairperson of the management committee <input type="checkbox"/> member of management committee <input type="checkbox"/> senior manager of an institution with no management committee <input type="checkbox"/> senior manager of a branch <input type="checkbox"/> responsible person of the compliance function <input type="checkbox"/> responsible person of the internal audit function <input type="checkbox"/> responsible person of the risk management function <input type="checkbox"/> member of the management committee designated senior officer responsible for the prevention of money laundering and terrorism financing <input type="checkbox"/> person responsible for implementing the anti-money laundering policy (AMLCO) <input type="checkbox"/> other:
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Provide a detailed description of the duties, responsibilities and reporting lines of the function. Please specify which other functions, if any, the appointee will exercise within the supervised entity

Free text

Specify whether the appointee will be qualified as a formal independent <sup>6</sup> member of the management body in its supervisory function	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
Provide the nature of the arrangement between the appointee and the supervised entity	<input type="checkbox"/> Contract for services (freelance) <input type="checkbox"/> Employment contract <input type="checkbox"/> Other

Additional details about the (planned) start date and length of the term of office<sup>7</sup>

(Planned) date of the formal decision on the appointment issued by the competent governance body of the supervised entity	(YYYY-MM-DD)
(Planned) start date of the term of office	(YYYY-MM-DD) or free text
(Planned) end date of the term of office	(YYYY-MM) If the exact month is not known, please estimate a month using the free text box below, also by referring to a specific, not yet calendarised, event (e.g. approval of financial statements for YYYY); Free text
Is the appointee replacing another person?	<input type="checkbox"/> Yes <input type="checkbox"/> No

If "Yes" is selected, please state the name of the person being replaced and the reasons for the replacement

Free text

<sup>6</sup> Independence with the meaning of Articles 3, 83° and 27 of the banking law

<sup>7</sup> If a date is not certain, please give an estimated date.

## Experience

A Education				
Official degree or certificate	Level of educational qualification obtained	Field of study	Date issued	Educational organisation (e.g. university, centre of studies, etc.)
Free text	<input type="checkbox"/> Bachelor <input type="checkbox"/> Master <input type="checkbox"/> PhD <input type="checkbox"/> Certificate <input type="checkbox"/> Other	Free text	(YYYY-MM)	Free text

B Practical experience related to banking and/or the financial sector gained in the last ten years			
Position	Main responsibilities	Degree of seniority of the position / hierarchical level	Name of the entity. Please indicate the nature of the business and/or type of licence
Free text	Free text	<input type="checkbox"/> Senior level <input type="checkbox"/> High level <input type="checkbox"/> Other managerial <input type="checkbox"/> Other	Free text
Approximate number of subordinates in the appointee's area of responsibility	Areas of activity	Held from	Held to
Free text	Free text	(YYYY-MM)	(YYYY-MM)

**C**

**Other relevant experience outside the banking and/or the financial sector (e.g. academic positions, political mandates, other non-commercial mandates, or other specialised experience)**

Position	Main responsibilities	Degree of seniority of the position / hierarchical level	Name of the entity. Please indicate the nature of the business and/or type of licence
Free text	Free text	Free text	Free text
Approximate number of subordinates in the appointee's area of responsibility	Areas of activity	Held from	Held to
Free text	Free text	(YYYY-MM)	(YYYY-MM)

**D**

**Presumption of sufficient experience**

Does the appointee meet the thresholds for presumption of sufficient experience mentioned in the NBB fit & proper manual?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If "No" is selected, please list below any potential complementary (or compensating) factors

Free text

## E

## Assessment of the level of banking / financial experience

General banking experience, including, inter alia, in the fields indicated in the NBB fit & proper manual	Assessment by the appointee of the level of experience (high, medium, low)	Grounds for your answer
banking and financial markets	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	Free text
legal requirements and regulatory framework	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	Free text
strategic planning, the understanding of a credit institution's business strategy or business plan and accomplishment thereof	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	Free text
risk management (identifying, assessing, monitoring, controlling and mitigating the main types of risk of a financial institution)	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	Free text
accounting and auditing	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	Free text
people management	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	Free text
governance and internal control	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	Free text
interpreting financial information, identifying key issues based on this information and appropriate controls and measures	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	Free text
ICT and security	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	Free text
prevention of money laundering and terrorist financing	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	Free text
knowledge and experience of climate-related and environmental risks	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	Free text

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**F**

**Relevant training in the last five years**

Has the appointee undertaken any relevant training in the last five years?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If "Yes" is selected, please provide details of the training

Content of the training	Length (hours)	Year of completion
Free text	Free text	(YYYY)

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**G**

**Training prior to the commencement of the function or within the first year of the commencement of the function**

Will the appointee undertake training prior to the commencement of the function or within the first year of the commencement of the function? <sup>8</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If "Yes" is selected, please provide details of the training

Content of the training	Training provider (specify whether the provider is internal or external and state the names of external organisations)	Term (hours)	If the training will take place later than six months after the authorisation is granted, state the start and end date
Free text	Free text	Free text	(YYYY-MM) - (YYYY-MM)

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<sup>8</sup> The response to this question will be taken as confirmation by the supervised entity that the training programme will take place as shown.

## Reputation

**IMPORTANT:** throughout Section 4 “you” means “the appointee personally” and also includes all corporate entities, partnerships or unincorporated entities with which the appointee is or has been associated as a board member, a responsible person for an independent control function, senior manager, owner, partner, associate, or qualifying shareholder. Information should be provided only for alleged wrongdoing which happened in the period in which the appointee was associated with the entity.

The answers to the questions below must include any situations that occurred in countries inside or outside the European Union.

A	
<p>Are you or have you been subject to any criminal<sup>9</sup> or relevant administrative or civil proceedings<sup>10</sup> (including any that are pending, concluded or under appeal)? Investigations, sanctioning proceedings or measures conducted or imposed by public or supervisory authorities or professional bodies (i.e. warnings, reprimands, etc.) in any jurisdiction are included in the scope of this question</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If “Yes” is selected, please provide the following details</p>	
<p>Type of proceedings</p>	<input type="checkbox"/> Criminal <input type="checkbox"/> Administrative <input type="checkbox"/> Civil <input type="checkbox"/> Other
<p>If “Other” is selected, please specify the type of proceedings</p>	<p>Free text</p>
<p>Stage of proceedings</p>	<input type="checkbox"/> Pending <input type="checkbox"/> Concluded <input type="checkbox"/> Under appeal
<p>Provide a brief description of the charge, nature of the alleged wrongdoing (e.g. intentional or owing to negligence, etc.) and of the stage of the proceedings</p>	
<p>Free text</p>	
<p>Authority in charge of the proceedings and file reference (if available)</p>	
<p>Free text</p>	
<p>Are the proceedings related to you personally or related to an entity with which you are or have been associated?</p>	<input type="checkbox"/> Yes, they are related to me personally <input type="checkbox"/> Yes, they are related to an entity with which I am or have been associated <input type="checkbox"/> No
<p>In the case of alleged wrongdoing, proceedings, investigations or sanctions involving you directly:</p>	
<p>i. Specify the circumstances of and reasons for your direct involvement</p>	
<p>Free text</p>	
<p>ii. Specify what you did to prevent and/or avoid the wrongdoing</p>	
<p>Free text</p>	
<p>iii. Could you have done more to avoid the alleged wrongdoing and did you learn anything from it?</p>	

<sup>9</sup> All criminal records should be listed, regardless of the time elapsed since the underlying facts. Criminal records that have been deleted from the official criminal registry, for instance due to a rehabilitation, should also be listed.

<sup>10</sup> Relevant civil or administrative proceedings include (but are not limited to) proceedings in the following fields: banking, insurance activities, investment services, securities markets, payment instruments, money laundering, pensions, asset management or in any financial regulated sector including any formal notification of investigation or committal for trial, pending disciplinary actions or pending bankruptcy, insolvency or similar procedures, or breach of competition law. In any case, the information on administrative and civil proceedings must include proceedings that are relevant to the five fit and proper criteria in accordance with the NBB fit & proper manual. For further information on what should be regarded as relevant, please refer to the NBB fit & proper manual.

Free text

In the case of alleged wrongdoing, proceedings, investigations or sanctions involving entities in which you hold or have held functions:

i. Specify the name of the entity involved

Free text

ii. Specify your role in the entity involved and whether you are or were responsible for a division or business line to which the proceedings (including sanctions or measures imposed) relate

Free text

iii. Were you a member of the management body, a responsible person for an independent control function or a senior manager at the time of the alleged wrongdoing?

Free text

iv. In your role in the entity, what did you do to prevent and/or avoid the alleged wrongdoing?

Free text

v. Could you have done more to avoid the alleged wrongdoing and did you learn anything from it?

Free text

Date and/or time frame of the alleged wrongdoing

(YYYY-MM)

Date on which the decision, ruling or finding was made (if applicable)

(YYYY-MM-DD)

Summary of the reasoning of the decision, ruling or finding

Free text

Sanction or penalty received (or likely if convicted in the case of pending proceedings)

Free text

Provide the range (namely the minimum and maximum level) of the sanctions that potentially could be or could have been applied

Free text

Have the proceedings been settled (including through any out-of-court settlement)?

Yes

No

If "Yes" is selected, please provide details (including the parties to the settlement, date, agreed settlement amounts and other relevant information)

Free text

Provide details on your subsequent conduct, including lessons learned and remedial action taken

Free text

Describe any other mitigating or aggravating factors such as rehabilitation and recidivism

Free text

Were there any remuneration clawbacks linked to the above proceedings?

Yes

No

If "Yes" is selected, please provide details

Free text

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**B**

Are you or have you been personally subject to any disciplinary decisions<sup>11</sup> (including disqualification as a member of a management body or discharge from a position of trust)?  Yes  
 No

If "Yes" is selected, please provide the following details

i. reason for the disciplinary decision

Free text

ii. date or time frame of the alleged wrongdoing

Free text

iii. have you appealed against the disciplinary decision?

Free text

iv. if applicable, provide details of the entity involved in the decisions

Free text

v. any mitigating or aggravating factors

Free text

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**C**

Are you or have you been subject to any bankruptcy, insolvency or similar procedures?  Yes  
 No

If "Yes" is selected, please provide the following details

i. length of time since the date of the decision (if applicable)

Free text

ii. status and (if not ongoing) outcome of the procedure (if final, please indicate whether it was considered intentional or owing to negligence)

Free text

iii. precautionary or attachment measures

Free text

iv. was the procedure triggered by you or by the entity concerned?

Free text

v. if applicable, provide details of the entity involved in the procedure

Free text

vi. details of your personal involvement, particularly if you were declared responsible for the insolvency of the entity

Free text

vii. any mitigating or aggravating factors

Free text

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**D**

Has any financial institution in which you hold or have held any managerial function, or whose management you influence or have influenced materially in any other way, ever been the subject of a bailout or a restructuring, recovery or resolution procedure?  Yes  
 No

If "Yes" is selected, please provide details

Free text

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<sup>11</sup> For instance, in the context of professional activity or employment.



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E

To your knowledge, have you personally ever been included in a list of unreliable debtors or do you have a negative record on a list established by a recognised credit bureau or have you been subject to an enforcement measure for a debt on any such list?

- Yes  
 No

If "Yes" is selected, please provide details

Free text

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F

Have you ever been the subject of a refusal of registration, authorisation, membership or licence to carry out a trade, business or profession, or have you had such a registration, authorisation, membership or licence withdrawn, revoked, suspended or terminated? This question refers also to previous suitability assessments by other competent authorities (including abroad<sup>12</sup>)

- Yes  
 No

If "Yes" is selected, please provide details

Free text

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G

Apart from the cases already mentioned elsewhere in your replies, have you been directly or indirectly involved in a situation that led to concerns or suspicions of money laundering or terrorist financing?

- Yes  
 No

If "Yes" is selected, please provide details

Free text

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H

Have you personally ever failed to appropriately disclose any information of which the supervisor would reasonably have expected notice?

- Yes  
 No

If "Yes" is selected, please provide details

Free text

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I

To be completed by the supervised entity: If the answer to any question above is "Yes", assess the appointee's reputation taking the relevant facts into consideration and expressly stating the reasons why such facts are not considered to affect his/her suitability.

Free text

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<sup>12</sup> The term "abroad" means any territory outside of Belgium.

## 5

### Conflicts of interest

**IMPORTANT:** throughout Section 5 “you” means “the appointee personally”, but also their close relatives (spouse, registered partner, cohabitee, child, parent or other relation with whom they share living accommodation) and any legal person in which the appointee is or was a board member, or a qualifying shareholder, at the relevant time.

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**A**

<p>Do you have any personal relationship with any of the following:</p> <ul style="list-style-type: none"><li>- other members of the management body and/or key function holders of the supervised entity, the parent undertaking or their subsidiaries</li><li>- qualifying shareholders of the supervised entity, the parent undertaking or their subsidiaries</li><li>- clients, suppliers or competitors of the supervised entity, the parent undertaking or the supervised entity's subsidiaries</li></ul>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>If “Yes” is selected, please provide details</p> <p>Free text</p>	

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**B**

<p>Are you currently involved either directly or indirectly in any legal proceedings or out-of-court disputes<sup>13</sup> against the supervised entity, the parent undertaking or their subsidiaries?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>If “Yes” is selected, please provide the following details</p>	
<p>i. The content and current status of the proceedings in question</p> <p>Free text</p>	
<p>ii. Which entity (or entities) is (are) involved</p> <p>Free text</p>	

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<sup>13</sup> These include alternative dispute resolution procedures provided by neutral out-of-court bodies such as conciliators, mediators and arbitrators, and out-of-court claims.

**C**

Do you personally or as a board member have any business, professional<sup>14</sup> or commercial relationship or have you had such a relationship in the past two years with any of the following:

- the supervised entity, the parent undertaking or their subsidiaries
- clients, suppliers or competitors of the supervised entity, the parent undertaking or the supervised entity's subsidiaries

 Yes  No

If "Yes" is selected, please provide the following details

Name of the entity	Main activities of the entity	Type of relationship with the entity	Start date and (if applicable) end date of the relationship
Free text	Free text	Free text	Free text
Annual payments made by the payer (in EUR thousands)	Annual payments made by the payer expressed as a percentage of the payer's (consolidated) gross revenue	Annual payments received by the payee expressed as a percentage of the payee's (consolidated) gross revenue	
Free text	Free text	Free text	

**D**

Are you subject to any cooling-off period (either under an agreement or under the law)?

 Yes  
 No

<sup>14</sup> Such as holding a management or senior position(s).

## E

Do you have any financial obligations towards the supervised entity, the parent undertaking or their subsidiaries cumulatively exceeding EUR 200,000 (excluding private mortgages<sup>15</sup>) or any loans of any value that are not negotiated "at arm's length" or that are non-performing<sup>16</sup> (including mortgages)?

- Yes  
 No

If "Yes" is selected, please provide the following details

Name of the debtor (if other than the appointee, indicate the relationship with the appointee)	Name of the entity	Nature of the obligation(s) (e.g. mortgage, personal loan, credit line)	Amount of the obligation(s), specifying the granted and the drawn amount (in EUR millions)	Guarantee (if any) (type and amount)
Free text	Free text	Free text	Free text	Free text
Status of the obligation(s) (e.g. performing, non-performing)	Conditions of the obligation(s)	Start date of the obligation(s)	Value of the obligation expressed as a percentage of the total loans of the debtor	Value of the obligation expressed as a percentage of the total eligible capital <sup>17</sup> of the supervised entity
<input type="checkbox"/> Performing <input type="checkbox"/> Non-performing	<input type="checkbox"/> Market conditions <input type="checkbox"/> Negotiated at arm's length <input type="checkbox"/> Special conditions <input type="checkbox"/> Supported under the collective bargaining agreements <input type="checkbox"/> Contracts with standardised terms applied together and on a regular basis to a large number of customers <input type="checkbox"/> Other	(YYYY-MM)	Free text	Free text

<sup>15</sup> Private mortgages of any value do not need to be disclosed (if they are performing, negotiated at arm's length and not contrary to any internal credit approval rules) if they are not of a commercial/investment nature. Moreover, all personal loans (e.g. credit cards, overdraft facilities and car loans) granted to the appointee by the supervised entity (if performing, negotiated at arm's length and not contrary to any internal credit rules) do not need to be disclosed as long as they are cumulatively under the threshold of EUR 500,000. Note that such mortgages or loans should be disclosed if they are, or are likely to become, non-performing for any reason.

<sup>16</sup> Or subject to forbearance measures.

<sup>17</sup> As defined in Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012, OJ L 176 27.6.2013, p. 1.

**F**

Do you have any financial interest (such as ownership or investment)<sup>18</sup> in any of the following?  
 - the supervised entity, the parent undertaking or their subsidiaries  
 - clients, suppliers or competitors of the supervised entity, the parent undertaking or the supervised entity's subsidiaries

Yes  
 No

If "Yes" is selected, please provide the following details

Name of the entity	Main activities of the entity	Type of relationship between the entity and the supervised entity	Start date of the financial interest	Size of the financial interest (expressed as a percentage of the capital and voting rights of the entity or value of the investment)
Free text	Free text	Free text	(YYYY-MM-DD)	Free text

**G**

Do you in any way represent a shareholder of the supervised entity, the parent undertaking or their subsidiaries?

Yes  
 No  
 Not applicable

If "Yes" is selected, please provide the following details

i. Name of the shareholder

Free text

ii. Size of the participation (as a percentage of the capital and voting rights)

Free text

iii. Nature of the representation

Free text

**H**

Do you personally have or have you had in the past two years any position of high political influence (internationally, nationally or locally)?

Yes  
 No

If "Yes" is selected, please provide the following details

i. The nature of the position

Free text

ii. The specific role and responsibilities of this position

Free text

iii. The relationship between this position (or the entity where this position is or was held) and the supervised entity, the parent undertaking or their subsidiaries

Free text

<sup>18</sup> Current shareholdings of less than 1% or other investments of an equivalent value do not need to be disclosed.

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I

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Do you have any other relationships, positions or involvement that are not covered in the questions above and could affect the interests of the supervised entity?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If "Yes" is selected, please provide the following details

i. Nature and content of the relationship, position or involvement  
Free text

ii. Start date of the relationship, position or involvement  
Free text

iii. How this relationship, position or involvement may affect your appointment  
Free text

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J

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To be completed by the supervised entity: If the answer to any questions above is "Yes", assess whether the potential conflict of interest is material (if it is not considered material, give the grounds for this finding) and indicate how the potential conflict of interest is proposed to be mitigated or managed.

Free text

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## Time commitment

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**A**

Information to be provided by the supervised entity: the supervised entity is required to provide its assessment on how much time is the appointee expected to commit to his/her functions

When providing the above information, the supervised entity must take into account the factors set forth in the NBB fit & proper manual.

Free text

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**B**

Assessment by the appointee regarding his / her time commitment for the functions

Free text

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**C**

Has an additional non-executive directorship been authorised by a competent authority (Article 62, §7 of the banking law)?

- Yes  
 No  
 Not applicable

If "Yes" is selected, please specify the competent authority

Free text

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## D

List of executive and non-executive directorships and other professional activities					
	Entity (please state whether the entities are listed)	Country	Description of the entity's activity	Size of the entity <sup>19</sup> (in EUR millions)	Function within the entity
Function for which this questionnaire is being completed	Free text	Free text	Free text	Free text	<input type="checkbox"/> Executive function <input type="checkbox"/> Non-executive function <input type="checkbox"/> Control function <input type="checkbox"/> Branch manager <input type="checkbox"/> Other activities <sup>20</sup>
All other directorships and/or activities <sup>21</sup>					

	Privileged counting (Article 62 of the banking law) <sup>22</sup> or no counting <sup>23</sup>	Additional responsibilities (such as membership of committees, Chair functions, etc.)	Time commitment per year (in days) <sup>24</sup>	Term of mandate (start date and end date)	Number of meetings per year <sup>25</sup>	Any additional information or comments
Function for which this questionnaire is being completed	<input type="checkbox"/> Yes, part of a group <input type="checkbox"/> Yes, part of an institutional protection scheme <input type="checkbox"/> Yes, a qualifying holding <input type="checkbox"/> No, nor part of any group, institutional protection	Free text	Number	Free text	Number	Free text

<sup>19</sup> E.g. year-end data on total assets for a financial entity or data on total turnover and international presence for other entities.

<sup>20</sup> "Other activities" means lecturing, charity work, pursuing a profession different from a directorship, etc.

<sup>21</sup> For each directorship or other activity, a separate row needs to be filled in.

<sup>22</sup> According to article 62, § 9 of the banking law, the exercise of several directorships in undertakings that form part of the group to which the institution belongs or of another group shall be counted as one single mandate. For the application of this article, "group" shall be understood to mean a set of undertakings that are formed by one parent undertaking, its subsidiaries, the undertakings in which the parent undertaking or its subsidiaries have a direct or indirect holding within the meaning of article 3, 26<sup>o</sup> of the Banking Law, as well as undertakings forming a consortium and undertakings that are controlled by the latter undertakings or in which these latter undertakings have a holding within the meaning of article 3, 26<sup>o</sup> of the Banking Law. Therefore, according to this article, the definition of group encompasses, amongst others, both subsidiaries and qualifying holdings. Consequently, the Banking Law does not require to count (i) directorships held within entities that belong to the group and (ii) directorships held in all qualifying holdings of the same group as two (separate) directorships

<sup>23</sup> This applies to directorships in organisations that do not pursue predominantly commercial objectives and positions representing the State.

<sup>24</sup> Please include time needed for attendance at meetings of the management body, additional responsibilities such as (but not limited to) membership of committees, training, preparation and follow-up time needed for the meetings, buffer for crises, etc.

<sup>25</sup> Meetings of the management body and board committees and any other meetings that the appointee will be involved in owing to the position.



	scheme or qualifying holding <input type="checkbox"/> No counting <input type="checkbox"/> Not applicable					
<b>All other directorships and/or activities<sup>26</sup></b>						

**E**

Total number of executive directorships (if privileged counting is applied and if exceptions are not counted)	Free text
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**F**

Total number of non-executive directorships (if privileged counting is applied and if exceptions are not counted)	Free text
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**G**

If privileged counting is applied, please provide details of any synergies that exist between the entities concerned, such that there is a legitimate overlap in terms of the time commitment with respect to those entities  
 Not applicable / Free text

**H**

Total days per year of time committed to all functions over and above the function for which this questionnaire is being completed <sup>27</sup>	Free text
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<sup>26</sup> For each directorship or other activity, a separate row needs to be filled in.

<sup>27</sup> Do not include the time commitment for the function in the supervised entity for which this questionnaire is being completed (since this time is already recorded in row A).

## 7

## Collective suitability

To be completed by the supervised entity if the appointee is being appointed as a member of the management body.

A	
Is the supervised entity subject to national requirements <sup>28</sup> on gender diversity?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes" is selected, in making this appointment, is the supervised entity compliant with the national requirements on gender diversity?	<input type="checkbox"/> Yes <input type="checkbox"/> No

B	
In making this appointment, is the supervised entity compliant with its internal target or rules for gender diversity in the composition of the management body?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No internal target or rules exists

C	
In making this appointment, is the supervised entity compliant with its internal principles for other aspects of diversity?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable/no internal principles exist

D	
Describe the extent to which the appointee contributes to the collective suitability of the management body. In addition, explain in general terms the weaknesses that have been identified in the management body's collective composition and the extent to which the appointee contributes to solving some or all of these weaknesses	
Free text	

<sup>28</sup> Article 31 of the banking law and, as the case may be, Article 7:86 of the Belgian companies and associations code.

## E

## List of members of the management body (as applicable)

First name, last name	Function(s) (see list of functions mentioned under point 2)	Date of appointment or renewal	Skills and main areas of expertise or trainings received  (banking and financial markets; legal requirements and regulatory framework; prevention of money laundering and terrorist financing; strategic planning, the understanding of a credit institution's business strategy or business plan and accomplishment thereof; risk management (identifying, assessing, monitoring, controlling and mitigating the main types of risk of a credit institution); climate-related and environmental risks; accounting and auditing; governance and internal control; interpreting a credit institution's financial information, identifying key issues based on this information and appropriate controls and measures; insurance; ICT and security; human resources; other)
Free text	Free text	(YYYY-MM-DD)	Free text

A	
<b>If there is any other information that the appointee or supervised entity considers to be relevant to the assessment, it must be included here</b>	Free text

B	
<b>Please upload (if applicable) the following accompanying documents</b>	<input type="checkbox"/> Copy of ID card/passport <input type="checkbox"/> CV <input type="checkbox"/> Criminal record check, model 596 – 1, subcategory 14 (issued less than three months before the date of the introduction of this questionnaire) – In the case of conglomerates or mixed financial holdings, subcategory 6 is also accepted. <input type="checkbox"/> Function profile <input type="checkbox"/> Organisational chart (situation before and after the envisaged appointment) <input type="checkbox"/> Overview of the composition of the statutory governing body (following the model annexed to this questionnaire) <input type="checkbox"/> Minutes of the Nomination Committee (draft if final version not yet available), any other minutes regarding the appointment and/or other records of suitability assessments conducted within the supervised entity <input type="checkbox"/> Suitability reports (both individual and collective in the case of tasks performed in a collegiate body) <input type="checkbox"/> for a responsible person of the compliance function (where appropriate, see the NBB regulation of 6 February 2018, approved by the Royal Decree of 15 April 2018): (i) certificate attesting that the candidate has passed an examination with an institution whose examinations have been recognised by the FSMA and the NBB; (ii) certificates attesting to participation in training programmes at training institutions recognised by the FSMA, on the advice of the NBB <input type="checkbox"/>
	<p>Please make your national registry number unreadable on any document you submit to the NBB. In Belgium, the national registry number can be found, among others, on the reverse side of the identity card and on the criminal record check.</p>

## Privacy statement for fit and proper

*With the submission of the completed questionnaire you acknowledge that you have read and understand the below NBB privacy statement.*

### **NBB Privacy statement for the processing of personal data related to fit and proper assessments as part of the supervision of financial institutions**

#### 1 Data Protection legal framework applicable to the National Bank of Belgium

Processing of personal data by the National Bank of Belgium (NBB) falls within the scope of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation – GDPR).

#### 2 The NBB as controller of processing personal data

The NBB is the controller of the data processing operations in the context of supervision of financial institutions<sup>29</sup>.

#### 3 Purposes for processing personal data by the NBB

Personal data is collected and processed for the purpose of assessing whether the persons responsible for the management or for an independent control function meet the "fit and proper" requirements, i.e. whether they possess sufficient knowledge, skills and experience to fulfil their duties and are of sufficiently good repute.

#### 4 Lawfulness of the NBB's data processing operations

The processing of personal data for the aforementioned purposes is necessary within the meaning of Article 6(1)(c) and (c) of the GDPR, in conjunction with Article 12bis of the Law of 22 February 1998 establishing the organic statute of the National Bank of Belgium, with the specific laws governing the supervision of financial institutions and with the European rules governing the Joint Supervisory Mechanism.

In particular, the NBB must ensure compliance with the relevant regulation that imposes requirements on financial institutions, including the requirement to have in place robust governance arrangements, including the fit and proper requirements for the persons responsible for the management of financial institutions or for independent control functions.

Moreover, the persons responsible for the management or for an independent control function of the financial institution shall at all times be of sufficiently good repute and possess sufficient knowledge, skills and experience to perform their duties.

In order to ensure that fit and proper requirements are met at all times, the NBB may initiate a new assessment based on new facts or issues or if the NBB becomes aware of any new facts that may have an impact on the initial assessment of the person responsible for the management or for an independent control function.

#### 5 Categories of personal data processed by the NBB

The following personal data is processed in relation to fit and proper assessments :

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<sup>29</sup> Within the meaning of point (7) of Article 4 of the GDPR.

- a) Personal data provided by the appointee (in written form or during interviews) which relate to:
  - personal details**, such as full name, ID/passport number, nationality;
  - contact details**, such as address, email, phone number;
  - knowledge, skills and experience**, such as information regarding practical, professional experience gained in previous occupations and theoretical experience (knowledge and skills) gained through education and training;
  - reputation**, such as criminal record;
  - conflicts of interest**, such as any close personal relationship with a member of a management body, any significant private business transactions with the supervised entity, positions of significant political influence, etc.;
  - time commitment**, such as other professional or personal commitments or circumstances (e.g. involvement in a court case);
  - collective suitability of the board**, such as the added value of a particular candidate in relation to the overall composition of the board.
- b) Personal data that has come to the knowledge of the competent authority by other means (e.g. via the media).
- c) Personal data that is not related to the appointee but to third parties.
- d) Any comments by the ECB and/or NBB staff members regarding the performance of the appointee during the fit and proper procedure (e.g. comments that reflect the opinion or the assessment of the examiner on the individual performance of the appointee, particularly in relation to their knowledge and competences in the relevant field).

## 6 Access to personal data collected and processed by the NBB

For the purposes set out in Section 3, access to personal data may be given to the following persons:

- NBB staff and members of the Management Committee of the NBB;
- ECB staff of Joint Supervisory Teams (ECB Directorate General Microprudential Supervision I or II);
- dedicated staff members of the ECB Directorate General Microprudential Supervision III, Directorate, General Secretariat to the Supervisory Board and the Authorisation Division of the Directorate General Secretariat to the Supervisory Board;
- members of the Supervisory Board and of the Governing Council of the ECB;
- other dedicated ECB staff members providing opinions and advice in the context of fit and proper assessments, such as the staff of Directorate General Legal Services;
- external experts and contractors working on behalf of the NBB or ECB who provide opinions and advice in the context of fit and proper assessments, such as external legal counsel;
- a limited number of staff members of other Union institutions, bodies, agencies, supervisory authorities and national authorities (e.g. criminal prosecutors, Anti-Money Laundering authorities) ;
- third parties to whom the personal data are to be transferred in accordance with a legal provision.

## 7 Transfers of personal data to third countries

In the context of supervisory cooperation with authorities outside the European Economic Area (EEA), your personal data may be transferred outside the EEA upon request of a third country authority. In the absence of an adequacy decision, personal data may be transferred outside the EEA only if appropriate safeguards are in place, as set out in Article 46 of the GDPR. In exceptional cases, international transfers of personal data may also take place based on the derogation provided for by Article 49 of the GDPR.

## 8 Retention period

Unless otherwise provided by law, the personal data are stored as follows:

- for twenty years from the date of the request to withdraw the application before a formal decision is reached;
- for twenty years from the date of a negative decision;

- for twenty years from the date the data subjects cease to be members of the management bodies or of independent control functions of the supervised entity in the case of a positive decision;
- for twenty years from the date of the most recent decision in case of reassessment based on new facts.

In the event that administrative or judicial proceedings are initiated, the retention period is extended and ends one year after such proceedings are concluded by a final decision.

## 9 Your rights as a data subject

All persons whose data are being processed have the right, provided that the conditions laid down in the applicable laws and regulations in this respect are met:

- (1) to have access to such data and possibly have such data rectified;
- (2) to object to such processing on grounds relating to their particular situation;
- (3) to obtain erasure of such data or restriction of processing in relation to such data;

## 10 Contact information in case of queries and requests

For all queries relating to personal data or for the exercise of your rights, please contact the NBB's Data Protection Officer at [dataprotection@nbb.be](mailto:dataprotection@nbb.be).

## 11 Addressing the Data Protection Authority

If you consider that your rights under the GDPR have been infringed as a result of the processing of your personal data, you have the right to lodge a complaint with the Data Protection Authority at any time.

## 12 Changes to this Privacy Statement

This Privacy Statement may be changed to take into account new legal developments.

Revision date: 08.11.2019